Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

IN THE
SUPREME COURT
OF THE UNITED STATES OF AMERICA

OCTOBER TERM 1975

NO. 75-1143

JANICE CHING YEE, Petitioner Pro Se vs. EDWARD Y. C. CHUN, and/or CHUN, KERR, & DODD, Respondents.	HAWAII'S SUPREME COURT NO. 5903 APPEAL AGAINST THE ORDERS OF HAWAII'S SUPREME COURT HAWAII'S SUPREME COURT Honorable Justices: Richardson, Menor, Ogata, Kobayashi, Chang (Substitute).

PETITION FOR WRIT OF CERTIORARI
AFFIDAVIT OF PETITIONER

I hereby certify that two copies of this Petition will be served on:

WM. McCORRISTON of GOODSILL, ANDERSON, & QUINN, Counsels
for EDWARD Y. C. CHUN, et al, Respondents
1600 Castle & Cooke Building
Financial Plaza
Honolulu, Hawaii 96813

by certified mail, postage prepaid, once this Petition is filed, or shortly after this 29th day of January, 1976.

Mrs. Janice Ching Yee
MRS. JANICE CHING YEE
3169 Alika Avenue
Honolulu, Hawaii 96817
Petitioner Pro Se

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AFFIDAVIT OF PETITIONER

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PETITION FOR WRIT OF CERTIORARI

Petitioner Pro Se hereby Petitions
for a Writ of Certiorari to Review
the Judgement of Hawaii's Supreme Court.

OPINIONS BELOW

Included are the Orders of Hawaii's Supreme Court (Appendix "A"). The Circuit Court's Order, Judgement and Decree is included as Appendix "D". Notice of Appeal to the lower Court is appended as Appendix "G".

IN THE SUPREME COURT
OF THE UNITED STATES OF AMERICA
OCTOBER TERM 1975
NO. _____

JANICE CHING YEE, Petitioner Pro Se vs. EDWARD Y. C. CHUN, and/or CHUN, KERR, & DODD, Respondents	HAWAII'S SUPREME COURT NO. 5903 APPEAL AGAINST THE ORDERS OF HAWAII'S SUPREME COURT Honorable Justices: Richardson, Menor, Ogata, Kobayashi, Chang (Substitute)

PETITION FOR WRIT OF CERTIORARI

I. STATEMENT OF JURISDICTION

Plaintiff-Appellant Pro Se hereby Petitions this Supreme Court of the United States for Writ of Certiorari against the Orders of Hawaii's Supreme Court, whereby:

1. Orders were filed:
   1) September 9, 1975 at 11:36 a.m.;
   2) October 6, 1975 at 2:27 p.m.;
   3) October 20, 1975 at 3:31 p.m.; and
   4) November 18, 1975 at 3:44 p.m.;

   AND, appended as follows in APPENDIX "A", which affirmed the April 29, 1975 lower Circuit Court's "judgement, decree, and order" (APPENDIX "D") which was for Injury of Plaintiff-Appellant Pro Se against Defendants-Appellees, who instigated and perpetrated a "Conspiracy for Prejudiced Persecution by Malicious Abuse of Judicial Process for Deprivation of Income and Legal Rights, including American Constitutional Rights for Plaintiff-Appellant" Pro

Se, against this Impropriety whereby a criminal case evolved out of an ordinary divorce case, which was irreconcilable.

Both parties are from the State of Hawaii.

2. The Jurisdiction of This Supreme Court of the United States was invoked on the grounds of the following situations:
   1) A hearing was ordered and heard on September 2, 1975 (APPENDIX "B") and "The Court will take this under advisement" was the last statement made in Hawaii's Supreme Court before the "Orders" of APPENDIX "A".
   2) A "Motion for Reconsideration of the Order of October 20, 1975, in its Entirety" was not accepted for filing and left for the Justices by way of a formal objection, on November 3, 1975. (EXHIBIT "1").
   3) A "Motion for Relief from the Justices' Order of November 18, 1975," was not accepted for filing on December 11, 1975 by the clerks; claiming the Order of November 18, 1975 as their authority. (EXHIBIT "2")
   4) A "Motion to Amend Pleadings for Inadvertance", and delete **Rule 61 of HAWAII'S RULES OF CIVIL PROCEDURE** (for the "Motion to Consolidate Appeals Against Conspiracy") was not accepted for filing unless Defendants-Appellees Edward Chun, et al's name was deleted. It was still not filed, although left for the Justices to order for filing on November 25, 1975, after the names of Edward Chun, et al,

and/or Plaintiff-Appellant Pro Se's ex-husband Alfred A. Yee, et al (Defendants-Appellees, case H.S.C.* No. 5930, pending re-Appeal, H.S.C.* No. 6102), was deleted. (EXHIBIT "3")

This didn't make sense; for both of the Defendants-Appellees named were instigators and/or perpetrators of the "Conspiracy" whereby the Respondents Edward Chun, et al, conducted a Defamatory, Perjurous, Malicious Defense for Respondents' client Alfred Alphonse Yee, et al, for harassment and injury of Yee's ex-wife Janice Ching Yee, Petitioner Pro Se, against Defendants-Appellees' intent as "Malice Aforethought" to "Get" Alfred's ex-wife Janice, same Plaintiff-Appellant Pro Se, whose intentions are good for Justice from the Courts and not for delay; so please consider **Rule 61** deleted.

5) A "Motion to Consolidate Appeals Against Conspiracy for Prejudiced Persecution by Malicious Abuse of Judicial Process for Deprivation of Income and Legal Rights for Plaintiff-Appellant" Pro Se, was accepted for filing December 5, 1975, only if the name of Defendants-Appellees Edward Chun et al, was deleted, as was Chun's client, Defendants-Appellees Alfred Alphonse Yee, et al. This "Motion" was denied and is pending Reconsideration of "Objection", filed January 21, 1976. (EXHIBIT "4")

*Hawaii's Supreme Court

6) Another "Motion for Judgement on the Pleadings for Plaintiff-Appellant Pro Se", also was not accepted for filing, but again left for the Justices to order to be filed on December 23, 1975. (EXHIBIT "5")
7) A Request for Transcript on October 4, 1975, was denied on October 20, 1975; and another Request for Transcript on December 29, 1975, was denied January 27, 1976. (APPENDIX "C")
8) A Request for Transcript of Proceedings and Transcript of the Records was refused by the clerks on the afternoon of January 19, 1976 (APPENDIX "C"), and requested again on January 26, 1976, and refused again by the clerks for filing or receipt and left for the Justices by a secretary from the Administration Office of Hawaii's Supreme Court. (APPENDIX "C")

THEREFORE, THE JURISDICTION OF THIS COURT has been invoked since, according to the **UNITED STATES SUPREME COURT RULES, Rule 19(1)(a & b):**

"(a) Where a state court has decided a federal question of substance not theretofore determined by this court, or has decided it in a way probably not in accord with applicable decisions of this court.

"(b) Where a court of appeals has rendered a decision in conflict with the decision of another court of appeals on the same matter; or has decided an important state question in a way in conflict with applicable state law; or has decided an important question of federal law which has not

been, but should be, settled by this court; or has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by a lower court, as to call for an exercise of this court's power of supervision,"

and thereby Petitioner's Petition for a Writ of Certiorari can be reviewed by This Court, for Supervision.

The Jurisdiction of This Supreme Court of the United States, also reside on the **FEDERAL RULES OF CIVIL AND APPELLATE PROCEDURE, Chapter 133, Title 28, Section 2101(c)** and **Rule 21 of the U. S. SUPREME COURT RULES**.

PETITIONER hereby Petitions to This Court for a Writ of Certiorari in the above captioned case for a Show Cause Order whereof, this Petitioner hereby prays that an Order be issued directed to the said Honorable Supreme Court of Hawaii, requiring it to Show Cause in This Court of the United States, at a time to be designated for:

II. **QUESTION**–WHY DOESN'T HAWAII'S SUPREME COURT BELIEVE IN JUSTICE FOR PLAINTIFF-APPELLANT PRO SE, PETITIONER, JANICE CHING YEE?

1. Why does it not vacate the Judgement below; OR, Order a New Trial, according to **Rule 59(a & d) of FEDERAL RULES OF CIVIL PROCEDURE** (or **HAWAII'S** duplicate **Rule 59(a & d)**)?
2. Why does it not Review and Reconsider the Hawaii Supreme Court's Order(s), which was in Reversible Error for substantial damage of Plaintiff-Appellant Pro Se's Legal Rights against the "Conspiracy for

Prejudiced Persecution", as mentioned and/or against Defendants-Appellees, Edward Chun et al, as instigators and/or perpetrators of the "Conspiracy, and should be included as a Conspirator* for the "Consolidation of Appeals" (EXHIBIT "4") of December 5, 1975?

3. Why does it deny a copy of the Transcript of Court Proceedings of the case H.S.C. No. 5903? (APPENDIX "C")
4. Why does it not use its initiative as Hawaii's Supreme Court for its prerogative to order Summary Judgement for Plaintiff-Appellant Pro Se, OR, Order Judgement on the Pleadings for same Petitioner for MERIT AND REASON for PLEADINGS FOR CLAIMS FOR COMPLAINTS AND/OR ALLEGATIONS.
5. Why did it affirm the lower Circuit Court's Judgement, which upheld Respondents Edward Y. C. Chun, et al's Malice for Cruel and Unusual Punishment; such as the ex-"guardian ad litem" order; OR Deprivation of Income and Legal Rights, including protection by any one of Plaintiff-Appellant Pro Se, Petitioner's four sons any night of the week?

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*Alfred A. Yee et al, No. 5930, Hawaii Supreme Court
Edward Chun et al, No. 5903, HSC
Robert Hogan et al, No. 5971, HSC
Robert Franklin, No. 5949, HSC
Harold Nickelsen et al, No. 5969, HSC
Stephanie Kokernak, No. 5943, HSC
Dr. Betty Adams and/or Gerry Nagahisa et al, No. 5924, HSC
Judge Betty Vitousek et al, No. 6008, HSC
James Koshiba and/or the Hawaii Bar Association, No. 5970, HSC

6. Why did it affirm the lower Circuit Court's harmful, PREJUDICED, REVERSIBLE, ERROR in Judgement?
7. Why did it deny Legal Rights for Plaintiff-Appellant Pro Se? WHY CONSIDER MOTIONS BEFORE FILING?

III. STATEMENT OF THE CASE

1. BACKGROUND

For further explanation of the background of this Case, or Cases, leading up to the present situation; a "hidden Conspiracy" was latent in 1967 and was evident in 1968, when Plaintiff-Appellant Pro Se's ex-husband Alfred Alphonse Yee, "coerced" attempted suicide by various false accusations, methods of defamation, and deprivation of love, security, or "mental future security". But the actual Conspiracy began in 1971, when Petitioner's ex-husband Alfred A. Yee (Def. App., H.S.C. No. 5930 or H.S.C. No. 6102) as instigator and/or perpetrator, obtained a housekeeper by the name of Stephanie Kokernak (Defendant-Appellee, H.S.C. No. 5943) as the Conspirator* who perpetrated the Conspiracy and helped coerce divorce by Plaintiff-Appellant Pro Se, who once didn't believe in divorce, but was not against it. By this divorce, Alfred A. Yee et al's counsel Appellees-Respondents Ed Chun, et al, instigated a defense by Malicious Conspiracy for Malicious Harassment and Injury by Deprivation of Income and all Legal Rights for Petitioner against Alfred

*Page 7.

Alphonse Yee, who threatened to "get" Petitioner, who divorced Alfred Alphonse Yee for this and physical violence.

Petitioner's ex-counsel Robert Hogan (Defendants-Appellees, H.S.C. No. 5971) was told of this coercion for destruction, but treachery as another instigator and/or perpetrator for Conspiracy made Robert Hogan Malfeasant. Judge Betty Vitousek (Defendants-Appellees H.S.C. No. 6008) then lowered herself as another instigator Conspirator* to perpetrate this Deprivation by Prejudiced Judicial Persecution by Malicious Abuse of Judicial Process, as the "false arrest" ex-"guardian ad litem" order which was Illegal; for Conspirator' Harold Nickelsen was Illegal in this VOID position of (ex)"guardian ad litem", and did not have the decency to decline this Impropriety against a capable American woman as Plaintiff (then) against also Gerry Nagahisa, et al, and/or Dr. Betty Adams, psychiatrist, et al (Defendants-Appellees H.S.C. No. 5924) whose PERJURED DEFAMATORY "MALICE AFORETHOUGHT" "severe chronic mental illness" report and testimony was for "murder" of name, reputation, and character of Plaintiff-Appellant against both reports which caused loss of custody of the Children, and personal freedom, and income for Petitioner against the perpetration of the Conspiracy by Nagahisa et al, and/or Adams et al, as the tools of Edward Chun et al's instigated Coerced Ignominy by Defamation, Libel,

*Page 7.

and Slander to add to Coerced Destitution by Swindle by the Instigators and/or Perpetrators of the Conspiracy which was for ultimate Destruction of Plaintiff-Appellant against Defendants-Appellees Edward Chun who conducted this Malicious, Defamatory, Destructive Defense for Injury of Petitioner.

Upon report to the Ethics Commission of the Hawaii Bar Association against Conspirators* Robert Hogan et al and Conspirators* Judge Betty Vitousek et al; James Koshiba, then committee Chairman, refused to see Conspirator* Robert Hogan's Malevolent, Malfeasant, Illegal Impropriety, which was unethical, for Hogan neglected to Appeal for custody of the Children to Petitioner against Hogan's Malfeasant Malevolence to Strike or Appeal also against the ex-"guardian ad litem" order against his ex-client, who never had a hearing for this insinuation of incompetency. Therefore, this made Koshiba (Defendants-Appellees, H.S.C. No. 5970) a Contributory Conspirator,* unethical in the position of Ethics Chairman for the Hawaii Bar Association. The Ethics Committee never answered the Complaint against Judge Betty Vitousek, whose Malfeasant, Prejudiced Impropriety was "Malice Aforethought" for the "murder" of "judicial assassination" of the character, reputation, and good name of Plaintiff-Appellant Pro Se, Petitioner, Janice Ching Yee against this aiding and abetting of previously mentioned "Malice Aforethought" of Defendants-Appellees Edward

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*Page 7.

Chun et al and client Alfred A. Yee, et al. Upon inquiry to more than 100 (one hundred) or more, of Hawaii's Bar Association members, all refused to help, or took the opportunity to "get" what could be gotten and not give help, wherefore there was no other recourse or alternative than to Plead as Plaintiff-Appellant Pro Se, who had one course of Business Law from Northwestern University, about twenty-five (25) years ago for Law background, and no other Law background for Pleading as a capable American woman as Petitioner, who wants to set a precedent for Complete Settlement for Petitioner, who does not want to suffer further the torture of small alimony harassment, which does not give FREEDOM for both sides, who should be against Respondents, Edward Y. C. Chun, et al, who conducted a Malfeasant, Perjurous, Defamatory, Malicious Defense, which made so much trouble for Defendants-Appellees' client A. A. Yee, et al, not to mention for Petitioner, all of it can be laughed at, if it wasn't so pitifully sadistic and malicious.

IV. **SPECIFICATION OF POINTS OF ERROR UPON WHICH PETITIONER INTENDS TO RELY ON:**

1. According to **HAWAII'S REVISED STATUTES, Chapter 605-2**, Plaintiff-Appellant Pro Se can plead in any Court of the State of Hawaii; and should not be denied Justice by Hawaii's Supreme Court, who should not have affirmed the lower Circuit Court's "order, judgement, and decree" (APPENDIX "D") and/or, which denied Justice for Petitioner as previously mentioned, and can be confirmed, according to

Rule 19(1) (a & b) of the UNITED STATES SUPREME COURT RULES; the UNITED STATES CONSTITUTION, specifically the **AMENDMENTS 1 to 15**; and **HAWAII'S RULES AND/OR STATUTES.**

2. Hawaii's Supreme Court should have found the lower Circuit Court's Judge Kawakami was Prejudiced and said, on April 8, 1975 at 11:46 a.m., previous to the first hearing (April 9, 1975 at 10:30 a.m.) against the "Conspirators"*, "What if I were to tell you, you won't get anything out of this?" upon getting permission to file a "Motion", which was not exactly in conformity for margins, (EXHIBIT "P.K.") since a copy of **HAWAII'S RULES OF CIVIL PROCEDURE** or the **HAWAII'S REVISED STATUTES** was not received by Plaintiff Pro Se until June, 1975, although ordered about January, 1975. (The libraries were available, but there wasn't time between giving attention to five (5) children and trying to do everything else alone, including typing of Pleadings, for lack of money to hire anyone.)

Also, this was where Kawakami's office said Kawakami wished to speak to Plaintiff Pro Se; and the statement mentioned was made. This VOIDED the lower Circuit Court Judge's Judgement and therefore should not have been affirmed by the Supreme Court of Hawaii, for then it compounded the lower Circuit Court's harmful, prejudicial, and reversible ERROR. This is Illegal, according to **CRIMINAL LAW** by Donnelly, Goldstein, and Schwartz, pages 966-970, **"People vs. Winters". 171 Cal. App. 2d 876, 342, P. 2d 538 (App. Dept. Sup. Crt. 1959)**, the Supreme Court Ruled there:

> "The dismissals were void because the trial Judge (Kawakami and/or Vitousek) acted in a matter where he openly declared his bias and prejudgement without disqualifying himself."

3. THE INTENT of the lower Circuit Court Judge Kawakami was not good; for no matter which action was presented, there never would have been a Summary Judgement or Judgement on the Pleadings for Plaintiff Pro Se, then, and I know it now. For, as well as I pled, or tried to plead, I couldn't sway Kawakami's Prejudice.
4. Hawaii's Supreme Court should have seen Kawakami's Conflict for Prejudiced Judgement and therefore should have denied Respondents Edward Chun et al's Motion for Affirmation of the lower Circuit Court's ERROR or PREJUDICE.

PETITIONER hereby Petitions for a Writ of Certiorari from This Supreme Court whereby the Justices can Order Restitution for Petitioner for Summary Judgement for Petitioner for Monetary Claims for MERIT of Petitioner's Pleadings, OR, a Judgement on the Pleadings, as pled and supported by APPENDIX "E", and EXHIBIT "E".

Might This Supreme Court GRANT THIS PETITION, upon Review, for facts, against Hawaii's Supreme Court's Erroneous Order(s) of affirmation of the lower Circuit Court's Erroneous Reversible Judgement.

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V. ARGUMENT

HAWAII'S SUPREME COURT should not deny Justice for Plaintiff-Appellant Pro Se, for:

1. It could have vacated the Judgement below by using its discretion, initiative, and/or prerogative to Order the "Motion for Relief from the Justices' Order of Nov. 18, 1975", filed, according to **Rule 59 (a & d) of HAWAII'S RULES OF CIVIL PROCEDURE** (F.R. of C.P.)**; include Defendants-Appellees Edward Chun et al, as Conspirator* or the "Motion to Consolidate Appeals against Conspiracy", (EXHIBIT "4") which was in Violation of Legal Rights for Plaintiff-Appellant Pro Se, Petitioner; OR, Order a New Trial and Direct a New Judgement for Plaintiff-Appellant Pro Se, according to **Rule 59 (a & d)** again, against the Erroneous "Order(s)" of Hawaii's Supreme Court, for a Federal question was "decided in a way probably not in accord with applicable decisions of this Court," according to **Rule 19(1)(a) of the U. S. SUPREME COURT RULES**. The Justices should have been big enough men to admit and reverse their Error.
2. It could have "Reconsidered" the Order of October 20, 1975, pardoning persistence of Petitioner who believes I am right; and ordered a New Trial and/or New Judgement, according to **Rule 59(a & d)**, and denied affirmation of the lower Circuit Court's Judgement, which was harmful, reversible, and prejudicial error for Defendants-Appellees Edward Chun, et al, as Conspirators* for the "Conspiracy for

*Page 7.
**Federal Rules of Civil Procedure

Prejudiced Persecution, etc." which was Violation of Legal Rights, including American Constitutional Rights, whereby a "Federal question" was "decided in a way probably not in accord with applicable decisions of This Court", according to **Rule 19(1)(a) of the U. S. SUPREME COURT RULES**, or Order Default by Edward Chun, et al, for NO ANSWERING BRIEF.

3. It should not have denied a copy of the transcript of Hawaii's Supreme Court proceedings for the hearing of September 2, 1975, for case H.S.C. No. 5903 or a copy of the transcript of the proceedings for the hearing of October 21, 1975, for case H.S.C. No. 5930. This can be considered Conflict for Contributory Conspiracy or Obstruction of Justice for Plaintiff-Appellant Pro Se, who knows the transcript of proceedings for No. 5930 should contain Defendants-Appellees; Edward Chun's Perjury for Defamation, Libel, and Slander of an "interlocutory" decree, order, or judgement, which was not ordered, decreed, or adjudged in the case H.S.C. No. 5930 (on Re-Appeal No. 6102) and therefore Edward Chun, et al's Perjury was instigated as counsel for client Defendants-Appellees A. A. Yee, et al, which is also on "page 3" of the "September 29, 1975" "Motion" for case H.S.C. No. 5930. (APPENDIX "F")

This was Deception for Delay as Obstruction of Justice for Plaintiff-Appellant Pro Se, who tried to find out about this so-called "interlocutory order" before the hearing of Hawaii Supreme Court case No. 5930, on October 21, 1975, thinking it was part of

the "Confidential File", which Vitousek's secretary Sen refused to let be shown, saying "Where's your attorney?" "You can't take it out unless your attorney requests it," even after Petitioner called on **Rule 91(a) of HAWAII'S FAMILY COURT RULES**, whereby Plaintiff Appellant Pro Se can plead for self, and thereby in the position, can check the files, which should be open to Plaintiff-Appellant Pro Se for information pertaining to same Petitioner, according to the **UNITED STATES CONSTITUTION** for Petitioner as a third generation American Janice C. Yee. This explains Petitioner's mention of the "interlocutory judgement" in the proceedings, which was inadvertent error; for an "interlocutory judgement" never entered in case H.S.C. No. 5930, Yee vs. Yee. So, can This Supreme Court please Order a copy of the "Transcript of the Record of the case" H.S.C. No. 5903, Yee vs. Chun; "including the proceedings in the court whose judgement or decree is sought to be reviewed", to "be certified by the clerk" of the Supreme Court of Hawaii, and according to **Rule 21, of the U. S. SUPREME COURT RULES**? May this include the entire Record of H.S.C. No. 5903 (including Hawaii Civil No. 44245) and a copy of Hawaii's Supreme Court's proceedings for case H.S.C. No. 5930's Hearing on October 21, 1975, as evidence of Defendants-Appellees Edward Chun's PERJURY for MALICIOUS INJURY of Plaintiff-Appellant Pro Se's good name, reputation, and character, for **Rule 20; HAWAII'S SUPREME COURT RULES**? On both occasions, Jan. 19, 1976 (APPENDIX "C") and Jan.

26, 1976 (APPENDIX "C"), the clerks of Hawaii's Supreme Court said Hawaii Supreme Court doesn't have Records of its proceedings, but the Bailiff Phillips said he had a tape of the proceedings, but clerk Chun and clerk Makikau of the Office of Hawaii's Supreme Court, said the so-called tapes were only for the Court's use. No copies were to be made from them. Therefore, in reiteration, can This Supreme Court please Order or demand a copy of said Records, for evidence of Deprivation of Legal Rights for Plaintiff-Appellant Pro Se, as Petitioner, for this was in conflict of **Hawaii's Revised Statutes, Chapter 622-19**, for a "Transcript of Judicial Record" (APPENDIX "C"), for then it was Obstruction of Justice against Ed Chun's Perjury for "involuntary servitude" or "financial enslavement", which is a Violation of Legal Rights for Petitioner, invokement of the Jurisdiction of This Supreme Court, wherefore, according to **Rule 19 (1) (b), U. S. SUPREME COURT RULES**.

4. It could have used its initiative and prerogative as Hawaii's Supreme Court Justices to Order Summary Judgement for Plaintiff-Appellant Pro Se, OR, Order Judgement on the Pleadings (APPENDIX "E"), according to **Rule 12 (c) of HAWAII'S RULES OF CIVIL PROCEDURE (F.R. of C.P.)** for MERIT WITH REASON for same Petitioner for H.S.C. No. 5903, against Defendants-Appellees after all, according to the Jurisdiction of **HAWAII'S SUPREME COURT RULES, Rule 1 (a) (1)** whereby a "judgement appealable only upon the allowance of

the Appeal by a Circuit Court is governed by **Rule 73 (a) of HAWAII'S RULES OF CIVIL PROCEDURE** in criminal cases as well as in civil cases." It can set a good precedent for itself as well as for Plaintiff-Appellant Pro Se Janice Ching Yee as a capable American woman who just never committed adultery, crime, or deliberate sin, and should have custody of the Children to Mother as Petitioner and not set a bad precedent against the "good women" of America and/or not sanctioned by the terrible, harmful, prejudiced, reversible erroneous judgement of the lower Circuit Court, wherefore Petitioner Petitions for this Writ of Certiorari from This Supreme Court where it can Review the lower Court's erroneous Judgements and/or Order(s), which affirmed the lower Circuit Court's sanction of Violation of Legal Rights, including American Constitutional Rights, for Petitioner for **Rule 19 (1) (a & b) of the U. S. SUPREME COURT RULES.**

5. It could have reversed the lower Circuit Court's harmful, prejudiced, reversible Judgement and not upheld Respondents, Edward Y. C. Chun, et al's Malice for Cruel and Unusual Punishment against Petitioner as a capable American woman who never committed adultery, crime, or deliberate sin, as the "coerced incompetency", "false arrest" ex-"guardian ad litem" Order or the recent "trustee" Order, which is also "coerced censorship", which is in Violation of the **First Amendment** of the **U. S. CONSTITUTION'S RIGHTS** for Petitioner. It was fourteen (14) months before Harold Nickelsen, as ex-"guardian" was

discharged by Judge Vitousek, who violated by this VOID position, the **Thirteenth or Fourteenth** and/or **First Amendment** against "involuntary servitude" by Deprivation of Income and Legal Rights for Petitioner, for this Federal question was "decided in a way probably not in accord with applicable decisions of This Court", according to the **U. S. SUPREME COURT RULES, RULE 19 (1) (a & b)**, OR Hawaii's Supreme Court "rendered a decision" which is "in conflict", according to "California's Supreme Court" in **"People vs. Winters", 171 Cal. App. 2d 876, 342, P. 2d 538 (App. Dept. Sup. Ct., 1959), according to CRIMINAL LAW by Donnelly, Goldstein, & Schwartz, pages 966-970**, as mentioned for its decision earlier.

6. It could have denied affirmation of the lower Circuit Court's harmful, reversible, prejudiced Judgement which condoned, aided and abetted "coerced suicide" which was the hidden cause of the divorce and is evident in the last 52 months since initiation of the divorce, and 36 months (thirty-six) since "final absolute divorce" by Feb. 12, 1973, filed March 1, 1973.

   Petitioner's ex-attorney Defendants-Appellees Robert Hogan, et al (H.S.C. No. 5971) was told of this, but it was not elaborated or used, not realizing the "secret" can be the cause of delay as Obstruction of Justice for Plaintiff-Appellant Pro Se for Complete Settlement for Divorce. The lower Circuit Court was Erroneous for Defendants-Appellees Edward Chun et al, is guilty as a Malfeasant, Conspirator* for

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'coerced destruction" of Plaintiff-Appellant Pro Se against Malfeasant, Malicious Edward Chun, who instigated and/or conducted a Malicious Defamatory, Restraintive, Defense for Harassment and Injury of Petitioner against the Erroneous Affirmation of Hawaii's Supreme Court, which is reversible; for "an important question of Federal Law which has not been, but should be, settled by This Court" according to **Rule 19 (1) (b)** against Violation of American Constitutional Rights, all to be discussed.

Petitioner hereby Petitions This Court to Order Summary Judgement for Petitioner, who hereby Demands $2 million for Petitioner against Respondents, Edward Y. C. Chun, et al, who must pay for Complete Restitution (APPENDIX "E") for Claims for Monetary Remedy as Relief for Petitioner for Suffering Suffered through Deprivation of Income and Legal Rights for Equal Security and Equal Legal Protection as afforded by the **U. S. CONSTITUION**, including all **AMENDMENTS**.

7. It could have considered Plaintiff-Appellant Pro Se's APPEALS FOR ALL LEGAL RIGHTS FOR PLAINTIFF-APPELLANT PRO SE, including:
   1) **HAWAII'S SUPREME COURT RULES**, hereby appended as **APPENDIX "ETHICS"**.
   2) **HAWAII'S REVISED STATUTES, Chapter 605-2**, whereby:

      "No person shall be allowed to practice in any court of record unless he has been duly licensed so to do by the supreme court; provided, that nothing in this chapter shall prevent **any person, plaintiff**", etc., "from appearing in person before any court of justice, and there prosecuting his own cause, without the aid of legal counsel. **(CC 1859, +1068; RL 1925, +2305; RL 1935, +3604; RL 1945, +9702; RL 1955, +217-2).**"

   3) **AMERICAN CONSTITUTIONAL RIGHTS**, including the **BILL OF RIGHTS, AMENDMENTS 1 to 15** (according to the **ENCYCLOPEDIA BRITTANICA (vol. 6) 1967, pages 401-405)** specifically:
      (1) **First Amendment** for Equal Protection of the Law against Violation of Constitutional Rights for Life, Liberty, Religion, Speech, Press, and Petition, as also protected by the **Fourteenth Amendment**. This includes protection against Prejudiced Persecution and Invasion of Privacy.

      Hawaii's Supreme Court should have found the lower Circuit Court Judge was prejudiced, as mentioned earlier. Hawaii's Supreme Court should have found the Defendants-Appellees Edward Chun, et al, and the lower Family Court Judge Vitousek were the instigators, and/or perpetrators, who instigated the Prejudiced Persecution by Conspiracy arrest" ex-"guardian ad litem" order against Petitioner who was therefore compelled to bring suit against the Conspirators* to stop Judge Vitousek's Prejudiced Persecution, which is still evident, and, for which Judge

*Page 7.

Vitousek said, "I'm sorry; I can't help you", before an opportunity was had to ask, in reiteration of Pleadings for one of the Children to protect Petitioner as Mother Janice Ching Yee for any night of the week. This pleading was never answered, thereby causing substantial damage to Petitioner's Legal Rights to feel protected legally and/or secure, for as Petitioner, as the real Mother Janice Ching Yee, for five (5) legitimate children from twenty (20) years of marriage, any "good woman" as divorcee, should not lose custody of the children; especially for Petitioner as real Mother Janice Ching Yee, who never committed adultery, crime, or deliberate sin; and should not spend 164 (one hundred sixty-four) weekends alone after pleas to ex-husband, children, judges, lawyers, or priests. This is a traumatic nightmare which is unforgettable, irreparable harm against any divorcee in a like situtation as Plaintiff-Appellant Pro Se. My daughter was home or there were tenants in the "studio" on the other unaccounted for weekends, of the last 52 (fifty-two) months, which were lonely, but there was help if of necessity. This was Illegal Prejudiced Persecution, as explained earlier in **CRIMINAL LAW, P. 966-970, "People vs. Winters"**. This also applies to Judge

Vitousek, for decisions other than "final absolute divorce".

(2) **Fourth Amendment** against "false arrest guardian ad litem" or "trustee" orders insinuating incompetency of a good capable woman as Plaintiff (Appellant Pro Se) as Petitioner without Due Process of Law, against non-notification of, or Hearing by immediate Family members prior to the "false arrest" ex-"guardian ad litem" order, both of which were used as Restraint to aid the "Conspiracy for Prejudiced Persecution by Malicious Abuse of Judicial Process, etc.", for Petitioner for the Right to a Fair Trial. These "false arrest" Orders were caused by Perjured Defamatory Reports, which were also the cause for loss of custody of the children to Petitioner.

(3) **Sixth Amendment** for a speedy trial by jury, for the accused after all as well as for Petitioner, or to be informed of the nature of the accusation of incompetency against Petitioner as a good, capable American woman, against a divorce initiated September 16, 1971, and not financially settled to this date of January 29, 1976.

(4) **Eighth Amendment** against "cruel and unusual punishment", which is also against the Fourth, Fifth, and Sixth Amendments; unless duly convicted; AND, which is included as part of the protection afforded

by the Thirteenth and Fourteenth Amendments.

(5) **Thirteenth and Fourteenth Amendments** for Equal Protection by Law against "involuntary servitude" or "financial enslavement", after all Petitioner doesn't wish to work for my ex-husband or alimony, which was and still is unequitable as settlement.

4. **UNITED STATES SUPREME COURT RULES, Rule 19 (1) (a & b)** whereby This Supreme Court has the Jurisdiction to Direct Hawaii's Supreme Court to GRANT SUMMARY JUDGEMENT TO PETITIONER AS PLAINTIFF-APPELLANT PRO SE against its former Order(s) which were erroneous and compounded the harmful, prejudicial, reversible errors of the lower Circuit Court which denied Summary Judgement for Plaintiff (Appellant) Pro Se.

The circumstances in Hawaii's Courts were one of apathy, where no quarter was asked or expected, but none was given for the first Opening Brief (this case H.S.C. No. 5903) of a woman who had to plead alone as Plaintiff-Appellant Pro Se last minute, after trying to find a lawyer to help.

So, can This Supreme Court please accept the continuous increase of legal knowledge by Petitioner, and excuse any excusable, inadvertent neglect, according to **Rule 60 (b-1) of FEDERAL RULES OF CIVIL PROCEDURE**, for the earlier Pleadings, whereby everything has been a "do-it-and-learn-it-as-you-go-along" case or cases,

with thanks to all who tried to help.

VI. CONCLUSION

Petitioner hereby appeals to This Supreme Court of the United States to GRANT THIS APPEAL AND/OR PETITION for a WRIT OF CERTIORARI and grant its timeliness, according to **Chapter 133, Title 28, Section 2101(c) of the FEDERAL RULES OF CIVIL AND APPELLATE PROCEDURE**, for Petitioner has not stopped trying to find a lawyer to help culminate the case for Summary Judgement or Judgement on the Pleadings for Plaintiff-Appellant Pro Se, as Petitioner, for all Pleadings, including memorandums of Law, arguments, exhibits and/or appendages.

IN CONCLUSION, if This Supreme Court finds it more judicious to determine Review and/or Order a New Trial and/or direct a New Judgement, according to **Rule 59 (a & d) of the FEDERAL RULES OF CIVIL PROCEDURE** (or H.R. of C.P.), please do so. If This Supreme Court finds it more judicious to direct Hawaii's Supreme Court to GRANT SUMMARY JUDGEMENT TO PLAINTIFF-APPELLANT PRO SE, I HEREBY THANK THIS HONORABLE SUPREME COURT. In either event, this Honorable Petitioner prays for This Honorable Court to GRANT THIS PETITIONER'S WRIT OF CERTIORARI, and order all Records to be designated, if needed, for This Supreme Court of America for Petitioner, who hereby thanks This Court for its time.

Mrs. Janice Ching Yee

Mrs. Janice Ching Yee, Petitioner
Petitioner Pro Se
3169 Alika Avenue
Honolulu, Hawaii 96817

WM. McCORRISTON
GOODSILL, ANDERSON, & QUINN
Counsel for EDWARD Y. C. CHUN et al
Defendants-Appellees

1600 Castle & Cooke Building
Financial Plaza
Honolulu, Hawaii 96813

IN THE SUPREME COURT
OF THE UNITED STATES OF AMERICA
OCTOBER TERM 1975
NO. _____

JANICE CHING YEE, Petitioner Pro Se, vs. EDWARD Y. C. CHUN and/or CHUN, KERR, & DODD Respondents.	HAWAII'S SUPREME COURT NO. 5903 APPEAL AGAINST THE ORDERS OF HAWAII'S SUPREME COURT HAWAII'S SUPREME COURT Honorable Justices: Richardson, Menor, Ogata, Kobayashi, Chang (Substitute)

AFFIDAVIT OF PETITIONER

I am Mrs. Janice Ching Yee of 3169 Alika Avenue, Honolulu, Hawaii 96817, and being duly sworn and under oath swear and affirm that all of my "unprofessional" LEGAL PLEADING, including Memorandums, Arguments and Exhibits, are pled in good faith and/or with good intentions and not frivolous for delay.

Mrs. Janice Ching Yee

Mrs. Janice Ching Yee
Petitioner Pro Se

Subscribed and sworn to before
me this 30th day of January, 1976

/s/ Anne Osenburg

Notary Public, First Judicial
Circuit, State of Hawaii

My commission expires:

APPENDICES

APPENDIX "ETHICS"

G.1. **HAWAII'S SUPREME COURT RULES**:

a. **"Rule 16.1 Jurisdiction**. Any attorney admitted to practice law in this Sta+ and any attorney specially admitted by a court oi his State for a particular proceeding is subject to the exclusive disciplinary jurisdiction of the supreme court and the Board hereinafter established."

"Court to maintain control over proceedings conducted before it."

b. **"Rule 16.2 Grounds for Discipline."**

"(a) The Code of Professional Responsibility, attached hereto as Exhibit A, as amended by this court, shall govern the conduct of all attorneys subject to discipline under this Rule.

"(b) Acts or omissions by an attorney which violate the Code of Professional Responsibility shall constitute misconduct and shall be ground for discipline."

c. **CODE OF PROFESSIONAL RESPONSIBILITY– ETHICAL CONSIDERATION (EC)**

c.1) **EC2-30**:

"Employment should not be accepted by a lawyer "when he knows or it is obvious that the person seeking to employ him desires to institute or maintain an action merely for the purpose of harassing or maliciously injuring another."

c.2) **EC7-21**:

"The civil adjudicative process is primarily designed for the settlement of disputes between parties, while the criminal process is designed for the protection of society as a whole. Threatening to use, or *using*, the criminal process to coerce adjustment of private civil claims or controversies is a subversion of that process; further, the person against whom the criminal process is so *misused* may be deterred from

asserting his legal rights and thus the usefulness of the civil process in settling private disputes is impaired. As in all cases of abuse of judicial process, the improper use of criminal process tends to diminish public confidence in our legal system."

c.3) **EC7-22**:

"Respect for judicial rulings is essential to the proper administration of justice; however, a litigant or his lawyer may, in good faith and within the framework of the law, take steps to test the correctness of a ruling of a tribunal."

c.4) **EC7-26**:

"The law and Disciplinary Rules prohibit the use of fraudulent, false, or perjured testimony or evidence."

c.5) **EC9-6**:

"Every lawyer owes a solemn duty to uphold the integrity and honor of his profession; to encourage respect . . .: to observe the CODE OF PROFESSIONAL RESPONSIBILITY: . . . and to strive to avoid not only professional impropriety but also the appearance of impropriety."

NO. 5903

IN THE SUPREME COURT OF THE STATE OF HAWAII

OCTOBER TERM 1974

JANICE CHING YEE, Plaintiff-Appellant, vs. EDWARD Y. C. CHUN & CHUN, KERR AND DODD, attorneys, Defendants-Appellees.	CIVIL NO. 44245 APPEAL FROM THE ORDER DISMISSING COMPLAINT AND DENYING MOTION FOR SUMMARY JUDGMENT, FILED APRIL 11, 1975 FIRST CIRCUIT COURT HONORABLE NORITO KAWAKAMI, Judge

ORDER

APPENDIX "A"

NO. 5903

IN THE SUPREME COURT OF THE STATE OF HAWAII

OCTOBER TERM 1974

JANICE CHING YEE,
Plaintiff-Appellant,

vs.

EDWARD Y. C. CHUN,
& CHUN, KERR AND DODD,
ATTORNEYS,
Defendants-Appellees.

ORDER

The Motion to Affirm filed August 19, 1975 by defendants-appellees and the Motion to Strike Defendants-Appellees Motion to Affirm filed August 25, 1975 by plaintiff-appellant were duly heard before this Court on September 2, 1975. The Court having considered the oral arguments as well as the memorandum of authorities applicable to each of the motions, and being fully apprised in the premises,

IT IS ORDERED that the Motion to Affirm is hereby granted and the Motion to Strike Defendants-Appellees Motion to affirm is hereby denied.

DATED: Honolulu, Hawaii this 9th day of September, 1975.

BY THE COURT:
/s/ William S. Richardson
Chief Justice

HSC Seal

NO. 5903

IN THE SUPREME COURT OF THE STATE OF HAWAII
OCTOBER TERM 1974

JANICE CHING YEE, Plaintiff-Appellant, vs. EDWARD Y. C. CHUN and/or CHUN, KERR & DODD, Attorneys, Defendants-Appellees.	CIVIL NO. 44245 APPEAL FROM THE ORDER DISMISSING COMPLAINT AND DENYING MOTION FOR SUMMARY JUDGMENT FOR PLAINTIFF (FILED APRIL 11, 1975) AND APPEAL FROM THE ORDER DENYING MOTION FOR RECONSIDERATION OR RETRIAL (FILED APRIL 29, 1975) FIRST CIRCUIT COURT HONORABLE NORITO KAWAKAMI, JUDGE

ORDER

FILED
Oct. 6 2:27 PM 1975
Clement J. H. Chun
Clerk Supreme Court

APPENDIX "A"

NO. 5903

IN THE SUPREME COURT OF THE STATE OF HAWAII

OCTOBER TERM 1974

JANICE CHING YEE, Plaintiff-Appellant, vs. EDWARD Y. C. CHUN and/or CHUN, KERR & DODD, Attorneys Defendants-Appellees.	CIVIL NO. 44245 APPEAL FROM THE ORDER DISMISSING COMPLAINT AND DENYING MOTION FOR SUMM SUMMARY JUDGMENT FOR PLAINTIFF, (FILED APRIL 11, 1975) AND APPEAL FROM THE ORDER DENYING MOTION FOR RECONSIDERATION OR RETRIAL (FILED APRIL 29, 1975) FIRST CIRCUIT COURT HONORABLE NORITO KAWAKAMI, JUDGE

ORDER

The Motion for Reconsideration of Order of September 9, 1975 and/or Motion for Summary Judgment for Plaintiff-Appellant, filed September 11, 1975, having been considered by the court, is denied without hearing.

DATED: Honolulu, Hawaii, October 6, 1975.

FOR THE COURT:
/s/ Bert T. Kobayashi
Acting Chief Justice

SEAL

NO. 5903

IN THE SUPREME COURT OF THE STATE OF HAWAII
OCTOBER TERM 1975

JANICE CHING YEE, Plaintiff-Appellant, vs. EDWARD Y. C. CHUN, and/or CHUN, KERR & DODD, Attorneys, Defendants-Appellees.	CIVIL NO. 44245 APPEAL FROM THE ORDER DISMISSING COMPLAINT AND DENYING MOTION FOR SUMMARY JUDGMENT FOR PLAINTIFF, (FILED APRIL 11, 1975) AND APPEAL FROM THE ORDER DENYING MOTION FOR RECONSIDERATION OR RETRIAL (FILED APRIL 29, 1975) FIRST CIRCUIT COURT HONORABLE NORITO KAWAKAMI, JUDGE

ORDER

FILED
OCT 20 3:31 PM 1975
Clement J. H. Chun
Clerk Supreme Court

APPENDIX "A"

NO. 5903

IN THE SUPREME COURT OF THE STATE OF HAWAII
OCTOBER TERM 1975

JANICE CHING YEE, Plaintiff-Appellant, vs. EDWARD Y. C. CHUN, and/or CHUN, KERR & DODD, Attorneys, Defendants-Appellees.	CIVIL NO. 44245 APPEAL FROM THE ORDER DISMISSING COMPLAINT AND DENYING MOTION FOR SUMMARY JUDGMENT FOR PLAINTIFF, (FILED APRIL 11, 1975) AND APPEAL FROM THE ORDER DENYING MOTION FOR RECONSIDERATION OR RETRIAL (FILED APRIL 29, 1975) FIRST CIRCUIT COURT HONORABLE NORITO KAWAKAMI, JUDGE

ORDER

The Motion for Reconsideration of Order of October 6, 1975, and Re-Motion for Reconsideration of Order of September 9, 1975, and/or Re-Motion for Summary Judgment for Plaintiff-Appellant, filed on October 14, 1975, are denied without argument.

DATED: Honolulu, Hawaii, October 20, 1975.

HSC Seal

FOR THE COURT:
/s/ William S. Richardson
Chief Justice

NO. 5903

IN THE SUPREME COURT OF THE STATE OF HAWAII

OCTOBER TERM 1975

JANICE CHING YEE, Plaintiff-Appellant, vs. EDWARD Y. C. CHUN, and/or CHUN, KERR & DODD, Attorneys, Defendants-Appellees.	) CIVIL NO. 44245) APPEAL FROM THE ORDER) DISMISSING COMPLAINT AND) DENYING MOTION FOR) SUMMARY JUDGMENT FOR) PLAINTIFF,) (FILED APRIL 11, 1975)) AND APPEAL FROM THE ORDER) DENYING MOTION FOR) RECONSIDERATION OR RETRIAL) (FILED APRIL 29, 1975)) FIRST CIRCUIT COURT) HONORABLE NORITO) KAWAKAMI, JUDGE

ORDER

FILED
1975 Nov 18 PM 3:44
Clement J. H. Chun
Clerk Supreme Court

APPENDIX "A"

NO. 5903

IN THE SUPREME COURT OF THE STATE OF HAWAII

OCTOBER TERM 1975

JANICE CHING YEE, Plaintiff-Appellant, vs. EDWARD Y. C. CHUN, and/or CHUN, KERR & DODD, Attorneys, Defendants-Appellees.	) CIVIL NO. 44245) APPEAL FROM THE ORDER) DISMISSING COMPLAINT AND) DENYING MOTION FOR) SUMMARY JUDGMENT FOR) PLAINTIFF,) (FILED APRIL 11, 1975) AND) APPEAL FROM THE ORDER) DENYING MOTION FOR) RECONSIDERATION OR RETRIAL) (FILED APRIL 29, 1975)) FIRST CIRCUIT COURT) HONORABLE NORITO) KAWAKAMI, JUDGE

ORDER

Appellant's motion to amend opening brief for excusable error or neglect, filed October 20, 1975, is denied.

This Court has heretofore issued the following orders:

1. Order, filed September 9, 1975, affirming the judgment of the court below;

2. Order, filed October 20, 1975, denying appellant's motion for reconsideration.

Wherefore, this Court directs the Clerk of the Supreme Court not to accept any further motions or pleadings from the appellant, in this case, in order that appellant may not abuse the judicial process.

DATED: Honolulu, Hawaii, November 18, 1975.

HSC Seal

FOR THE COURT:
/s/ William S. Richardson
Chief Justice

NO. 5903

IN THE SUPREME COURT OF THE STATE OF HAWAII

OCTOBER TERM 1974

TO: MESSRS. RICHARD E. STIFEL and WILLIAM C. McCORRISTON (Goodsill, Anderson & Quinn), 1600 Castle & Cooke Bldg., Financial Plaza of the Pacific, Honolulu, Hawaii 96813 - Attorneys for Defendants-Appellees.

MRS. JANICE CHING YEE, 3169 Alika Avenue, Honolulu, Hawaii 96817 - Plaintiff-Appellant pro se.

PLEASE TAKE NOTICE THAT CASE NO. 5903,
entitled: JANICE CHING YEE, Plaintiff-Appellant v. EDWARD Y. C. CHUN and CHUN, KERR & DODD, Attorneys, Defendants-Appellees,

the

MOTION TO AFFIRM, filed August 19, 1975
has been set for argument in the Supreme Court in the Judiciary Building, Honolulu, Hawaii on TUESDAY, SEPTEMBER 2, 1975, at 10:30 A.M.

(Each side allowed fifteen minutes for argument)

PLEASE ACKNOWLEDGE RECEIPT OF THIS NOTICE, IN WRITING.

/s/ Edward K. Suzuki,
Clerk

DATE: August 19, 1975

APPENDIX "B"

August 28, 1975

Office of the Supreme Court
Supreme Court of Hawaii
Honolulu, Hawaii

Dear Sirs,

Receipt of your notice of 10:30 a.m. on September 2, 1975, as the date set for Argument in the Supreme Court against Defendant-Appellee Edward Chun, et al's Motion to Affirm, filed August 19, 1975, was received on August 22, 1975.

/s/ Mrs. Janice Ching Yee
Mrs. Janice Ching Yee
Plaintiff-Appellant Pro Se

3169 Alika Avenue
Honolulu, Hawaii 96817

APPENDIX "B"

October 4, 1975

Office of the Supreme Court
Supreme Court of Hawaii
Honolulu, Hawaii

Dear Sirs:

Plaintiff-Appellant Pro Se hereby requests a copy of the transcript of the hearing dated September 2, 1975 at 10:30 a.m. for case No. 5903, according to *Hawaii's Revised Statutes, Chapter 622-19.*

May I also have a copy of the future transcript for the hearing dated October 21, 1975, at 9:30 a.m. for case No. 5930, according to *Hawaii's Revised Statutes, Chapter 622-19,* or can I request for a court reporter of my own?

Thank you for your kind attention.

/s/ Mrs. Janice Ching Yee
Mrs. Janice Ching Yee
Plaintiff-Appellant Pro Se

3169 Alika Avenue
Honolulu, Hawaii 96817

APPENDIX "C"

SEAL

SUPREME COURT OF HAWAII
Aliiolani Hale
Honolulu

CHIEF JUSTICE
WILLIAM S. RICHARDSON

ASSOCIATES JUSTICES
BERT T. KOBAYASHI
THOMAS S. OGATA
BENJAMIN MENOR
H. BAIRD KIDWELL

October 20, 1975

Mrs. Janice Ching Yee
3169 Alika Avenue
Honolulu, Hawaii 96817

Dear Mrs. Yee:

Re: S. C. Cases Nos. 5903 and 5930

Your request to this court as stated in your letter dated October 4, 1975, for a copy of the transcript of the hearing dated September 2, 1975, a copy of future transcript for case No. 5930, and your request for a court reporter are denied.

Very truly yours,
/s/ William S. Richardson
Chief Justice

APPENDIX "C"

December 29, 1975

HAWAII'S SUPREME COURT JUSTICES
HAWAII'S SUPREME COURT
HONOLULU, HAWAII

YOUR HONORS

Can you please excuse Plaintiff-Appellant Pro Se for challenging the word of the good Justices against releasing copies of the transcripts for Plaintiff-Appellant Pro Se per request of October 4, 1975, for according to *HAWAII's REVISED STATUTES, Chapter 622-19: "Transcript of Judicial Records"*:

> "A transcript of any of the records and judicial proceedings of any court of record or of any judge of a court of record at chambers, shall be admitted in evidence upon being authenticated by the attestation of the clerk of the court with the seal of the court annexed, or of the judge before whom the proceedings were had, with the seal aforesaid."

So, can I please have copies of transcripts for the hearings of September 2, 1975 (case No. 5903); October 21, 1975 (case No. 5930), where counsel Ed Chun perjured for delay as this case does not have an interlocutory decree or judgement; and November 5, 1975 (case No. 5949); and permission to order any future transcripts.

Thank you for reversal of your denial of October 20, 1975, according to *HAWAII'S SUPREME COURT RULES' CODE OF PROFESSIONAL RESPONSIBILITIES' ETHICAL CONSIDERATION 7-22.*

/s/ Mrs. Janice Ching Yee
Mrs. Janice Ching Yee
Plaintiff-Appellant Pro Se

Honolulu, Hawaii

APPENDIX "C"

January 19, 1976

Office of Hawaii's Supreme Court
HAWAII'S SUPREME COURT
Honolulu, Hawaii

Dear Sirs:

Petitioner hereby requests for a "transcript of the record in the case" for No. 5903; Yee vs. Chun; "inlcuding the proceedings in the court whose judgment or decree is sought to be reviewed," to "be certified by the clerk of the Supreme "Court" of Hawaii, according to Rule 21 of the United States Supreme Court Rules, for review by Petition for Writ of Certiorari to the Supreme Court of the United States.

May this please include the entire cord in Hawaii's Supreme Court, and/or lower Circuit Court; for S.C. No. 5903 and/or Civil No. 44245, Yee vs. Chun.

Thank you for your fast consideration to this matter.

/s/ Mrs. Janice Ching Yee
Mrs. Janice Ching Yee
Plaintiff-Appellant Pro Se
Petitioner

3169 Alika Avenue
Honolulu, Hawaii

APPENDIX "C"

January 26, 1976

HAWAII'S SUPREME COURT JUSTICES
HAWAII'S SUPREME COURT
HONOLULU, HAWAII

Your Honors,

Can I please have a copy of the Transcript of the Proceedings of case No. 5930, as evidence of Defendants-Appellees' counsel Edward Y. C. Chun's Perjury, which is evidence for Plaintiff-Appellant Pro Se's Petition for Writ of Certiorari in the Supreme Court of the United States of America, for Yee vs. Chun, S.C. No. 5903.

Can the Justices please order a copy from the clerks, according to HAWAII'S REVISED STATUTES, Chapter 622-19, to be authenticated, signed, and sealed by the Justices or by the clerks.

Thank you for your fast consideration to this matter.

/s/ Mrs. Janice Ching Yee
Mrs. Janice Ching Yee
Plaintiff-Appellant Pro Se

3169 Alika Avenue
Honolulu, Hawaii 96817

APPENDIX "C"

EDWARD K. SUZUKI
CHIEF CLERK

STATE SEAL

SAMUEL K. MAKEKAU
DEPUTY CLERK

OFFICE OF THE CLERK
SUPREME COURT OF HAWAII
P. O. Box 2560
Honolulu, Hawaii 96804

January 27, 1976

Mrs. Janice Ching Yee
3169 Alika Avenue
Honolulu, Hawaii 96817

Re: Case No. 5903 – Yee v. Chun and
Case No. 5930 – Yee v. Yee

Dear Mrs. Yee:

The Court has directed me to inform you that there is no such transcript of proceedings as referred to in your letter of January 26, 1976. Your request, therefore, will be denied.

Very truly yours,

/s/ Edward K. Suzuki
Edward K. Suzuki
Chief Clerk

APPENDIX "C"

Of Counsel:
GOODSILL ANDERSON & QUINN

RICHARD E. STIFEL 441-0
WILLIAM C. McCORRISTON 995-0
1600 Castle & Cooke Bldg.
Financial Plaza
Honolulu, Hawaii 96813
Telephone: 531-5066

Attorneys for Defendants

1st Circuit Court
State of Hawaii
FILED
1975 Apr 29 PM 12:02
E. K. Bush
Clerk

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

JANICE CHING YEE, Plaintiff,	)	CIVIL NO. 44245
vs.	)	ORDER DENYING MOTION FOR RECONSIDERATION
EDWARD Y. C. CHUN and CHUN KERR AND DODD, Attorneys, Defendants.	)	

ORDER DENYING MOTION FOR RECONSIDERATION

This matter having come on for hearing on Wednesday, April 9, 1975, upon plaintiff's motion for reconsideration of this court's order dismissing complaint and denying motion for summary judgment and the court having considered the supplemental pleadings filed by plaintiff pursuant to stipulation of the parties, and the court being fully advised in the premises;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that plaintiff's motion for reconsideration, as amended, be and hereby is denied without further leave to amend.

DATED: Honolulu, Hawaii, April 28, 1975.

/s/ Norito Kawakami /Seal/
Judge of the above-entitled court

APPENDIX "D"

***EXHIBITS FOR RESTITUTION**

TO BE INCLUDED –
EDWARD Y. C. CHUN ET AL (NO. 5903) PER EXHIBIT "EE"

***EXHIBITS FOR RESTITUTION**

ROBERT HOGAN ET AL, (NO. 5971) per EXHIBIT "HLL"
HAROLD NICKELSEN ET AL, (NO. 5969) per EXHIBIT "NON"
JUDGE BETTY VITOUSEK ET AL, (NO. 6008) per EXHIBIT "VXN"
(p.s. BETTY VITOUSEK MUST PAY THE INSURANCE LOSS – IT WAS DELIBERATE MALEVOLENCE ON HER PART)
DR. BETTY ADAMS ET AL, &/OR GERRY NAGAHISA ET AL, (NO. 5924) per EXHIBIT "SS"
JAMES KOSHIBA &/OR THE HAWAII BAR ASSOCIATION (NO. 5970) per EXHIBIT "KOK"
STEPHANIE KOKERNAK, (NO. 5943) per EXHIBIT "KKK-X"

*Please deduct $10,000. less Actual Damages, but add $10,000. more for Compensatory or Exemplary Damages per individual exhibits.

APPENDIX "E"

EXHIBIT "E"

My ex-husband Alfred A. Yee makes $100,000.00 per year, counting bonuses and dividends, which makes existing original income of approximately $8,333.00 per month or $8,000.00, setting aside the $333.00 for taxes per month. Therefore, half of original existing income is about $4,000.00 per month for Plaintiff.

Hereby is the basis for EXHIBIT "E". The amount paid is alimony, mortgage, and the grocery bill, almost exactly.

date	paid	half of income	unpaid or lost
Sept. 1971 to Dec. 1971	$ 7,200	$ 12,000	$ 4,800
1972	21,600	50,000	28,400
1973	21,600	50,000	28,400
1974	22,600	50,000	27,400
1975 to May, 1975	7,200	20,000	12,800
	$80,200	$182,000	$101,800

Based on the April 20, 1975, article in the Honolulu Star-Bulletin, quoting mortgage loans rated between 8¾–9%, personal loans would be quoted about 10% minimum, so an added amount of $10,180.00 for interest expense* should be added to the amount of $101,800.00 to make $111,980.00 as actual damages lost through Edward Y. C. Chun's MALFEASANCE AND MALPRACTICE, CONTRIBUTORY MALICIOUS ABUSE OF JUDICIAL PROCESS FOR OBSTRUCTION OF JUSTICE AND/OR VIOLATION OF CONSTITUTIONAL RIGHTS AGAINST Edward Chun's CONTRIBUTORY "FALSE ARREST", WHICH IS DEFAMATORY OR LIBELOUS FRIVOLOUS NEGLIGENCE FOR

*Interest expense for the use of my money.

CONSPIRACY AND COLLUSION TO DEFAME, DEFRAUD, AND DECEIVE FOR THE DEFAMATION AND DESTRUCTION OF A GOOD JUST CAPABLE AMERICAN WOMAN.

Edward Y. C. Chun et al are liable for damages sought in EXHIBIT "EE" for Edward Y. C. Chun is GUILTY OF THE CLAIMS AGAINST HIM.

EXHIBIT "EE"

Edward Chun owes for actual damages (Exh. "E")	$ 111,980.
Edward Chun owes for actual damages for loss of insurance**	400,000.
Edward Chun and/or Chun, Kerr, & Dodd owe punitive damages	800,000.
Edward Chun owes general damages for loss of more possible income lost through an unequitable distribution of income and incompetent management which dissipated my assets	200,000.
Edward Chun owes special damages for Malice	488,000.
Edward Chun &/or Chun, Kerr & Dodd owe Plaintiff for Summary Judgement for Plaintiff	$2,000,000.

**SR 160955	Continental	$100,000.
4995459	Hancock	10,000.
5577822	"	10,000.
6236742	"	20,000.
6577636	"	50,000.
7552499	"	200,000.
6588684	"	10,000.
		$400,000.

AUGMENTED EXHIBIT "EE"

DEFENDANTS-APPELLEES	OWE DAMAGES OF
Edward Chun owes for ACTUAL DAMAGES per Exhibit "E"	$ 111,980.
Edward Chun owes for ACTUAL DAMAGES for loss of insurance**	400,000.
Ed Chun &/or Chun, Kerr, & Dodd owes for OTHER ACTUAL DAMAGES, COMPENSATORY DAMAGES, AND /OR EXEMPLARY DAMAGES for revitalization of Plaintiff for 47 months of mental and physical frustration caused by lack of funds for hair treatments or beauty treatments and new clothes for mental revitalization OR for damages against mental frustration caused by lack of funds for unpaid bills (ex. Chun Hoon's)* caused by Edward Chun et al, as co-instigators for the Sadistic, Malicious, Deprivation of Al's ex-wife, JCY, once a divorce was initiated, which deprived her of an equitable distribution of income (alimony) or a complete settlement so Plaintiff-Appellant can manage the distribution of income as Plaintiff feels fit.	500,000.
Ed Chun &/or Chun, Kerr, & Dodd owes for GENERAL DAMAGES, SPECIAL DAMAGES, AND/OR EXEMPLARY DAMAGES against MALICE AND /OR MALICIOUS MALPRACTICE; CONTRIBUTORY ABUSE OF JUDICIAL PROCESS; CONTRIBUTORY "FALSE ARREST"; RESTRAINT OF PERSON; RESTRAINT OF TRADE; CONSPIRACY; VIOLATION OF CONSTITUTIONAL RIGHTS; OBSTRUCTION	500,000.

AUGMENTED EXHIBIT "EE" (CONT'D)

OF JUSTICE; LIBEL, SLANDER; AND/OR DEFAMATION OF CHARACTER; CONFLICT OF INTEREST; AND/OR BREACH OF FAITH, or FRAUD; AND/OR FRIVOLOUS NEGLIGENCE.	
Ed Chun &/or Chun, Kerr, & Dodd owes for PUNITIVE DAMAGES AND/OR EXEMPLARY DAMAGES as opposed to Hawaii's Revised Statutes' limit for LIBEL unless as part and parcel of payment of claims for all the COMPLAINTS mentioned above, AND includes court costs and fees.	$ 488,020.
THEREFORE: DEFENDANTS-APPELLEES EDWARD CHUN, ET AL OWE PLAINTIFF-APPELLANT JANICE CHING YEE	$2,000,000

*Chun Hoon Markets were not involved in the conspiracy.

APPENDIX "E"

NO. 5930

IN THE SUPREME COURT OF THE STATE OF HAWAII

OCTOBER TERM 1974

JANICE CHING YEE,
Plaintiff-Appellant,

vs.

ALFRED ALPHONSE YEE, and/or ALFRED YEE & ASSOCIATES,
Defendant-Appellees.

FC-D NO. 81258

FILED
SEP 29 4:26 PM 1975
Clement J. H. Chun
Clerk Supreme Court

MOTION FOR ORDER DENYING APPELLANT'S MOTION FOR SUMMARY JUDGMENT AND RECONSIDERATION OF TEMPORARY ALIMONY AND CHILD SUPPORT PAYMENTS; MOTION TO DISMISS; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR ORDER DENYING APPELLANT'S MOTION FOR SUMMARY JUDGMENT AND RECONSIDERATION OF TEMPORARY ALIMONY AND CHILD SUPPORT PAYMENTS AND MOTION TO DISMISS

[CHUN'S PERJURY] *

EDWARD Y. C. CHUN
1408 Amfac Building
700 Bishop Street
Honolulu, Hawaii 96813
Attorney for Defendant-Appellees

OF COUNSEL:
CHUN, KERR & DODD

APPENDIX "F"

*Petitioner's note.

All other issues involved, including the disposition of property, alimony, child support payments, attorney's fees, insurance coverage and the like were reserved for consideration and disposition at a later date.

The court below has thus far issued nine (9) supplemental Decisions and Orders three of which Appellant is appealing from. Notice of Appeal was filed with the Family Court on May 5, 1975, appealing the Sixth, Seventh and Eighth Supplemental Decisions and Orders.

The Court below has not, as of this date, finally disposed of those issues reserved by it on March 1, 1973, for disposition at a later date.

II. ISSUE PRESENTED

IS THE APPEAL OF APPELLANT TIMELY AND OF RIGHT?

III. ARGUMENT

A. AS TO THOSE JUDGMENTS, DECISIONS AND ORDERS SET FORTH IN A, B, C, F, G, H, I, J, K, L, M, N, P, Q, R, S, T, U, V, AND W OF APPELLANT'S "STATEMENT OF QUESTIONS PRESENTED" (APPELLANT'S OPENING BRIEF, pp. 2-5), IT IS MANIFEST THAT THE APPEAL IS UNTIMELY, AND CAN BE MADE ONLY UPON THE ALLOWANCE OF THE APPEAL BY THE FAMILY COURT.

Appellant is appealing "any decision or judgment of the lower Courts other than for final divorce, payments due Plaintiff-Appellant, and/or discharge of the "Guardian Ad Litem" for Divorce Complaint of September 14, 1972 (initiated September 16, 1971), through the last decision or judgment of the lower Courts filed June 26, 1975." It is clear from the twenty-three questions presented in Appellant's Opening Brief that these "decisions or judgments" appealed from are either (1) interlocutory judgments from which there can be no appeal except by allowance of the Family Court or (2) orders by the Family Court denying various motions made by Appellant concerning matters directly involved with the interlocutory judgments.

> Section 641-1(b), Hawaii Revised Statutes, states:
>
> "Upon application made within the time provided by the rules of the court, an appeal in a civil matter may be allowed by a circuit court in its discretion from an order denying a motion to dismiss

> or from any interlocutory judgment, order, or decree whenever the circuit court may think the same advisable for the speedy termination of litigation before it. The refusal of the circuit court to allow an appeal from an interlocutory judgment, order, or decree shall not be reviewable by any other court."

Thus, unlike appeals of final judgments which are of right (Section 641-1(a), HRS), appeals of interlocutory judgments or orders are only permitted when allowed by a circuit court in its discretion.

The court below exercised this discretion by allowing an appeal "within thirty days from the date of approval by this (Family) Court of the trust instrument to be submitted by Defendant (Appellee) pursuant to paragraph I(A)(4)(a) of the Sixth Supplemental Decision and Order filed herein on April 4, 1975. . . ." However, the above-referenced trust instrument has not been approved by the Family Court as of this date, thus making Appellant's appeal here premature and untimely.

This Court has stated as the rule for determining whether a judgment, decision or order is final or interlocutory as whether "The decree or order appealed from determines the ultimate rights of the parties with respect to distinct matters which have no bearing on other matters left for further consideration." *In Re John Doe I*, 50 Haw. 537, 444 P. 2d 489 (1968), quoting *Hoier v. Kaplan*, 313 Ill. 448, 450, 145 N.E. 243, 244 (1924). Those judgments, decisions or orders appealed from do not determine the ultimate rights of Appellant with respect to disposition of property, alimony, child support payments, attorney's fees, insurance coverage, and the like, whose ultimate disposition was reserved by the Family Court for final disposition at a later date in Its Decree Granting Absolute Divorce and Awarding Child Custody, dated March 1, 1973. This final disposition has not as yet occurred, and Appellant cannot here appeal as of right.

B. AS TO THOSE JUDGMENTS, DECISIONS AND ORDERS SET FORTH IN D AND E OF APPELLANT'S "STATEMENT OF QUESTIONS PRESENTED" (APPELLANT'S OPENING BRIEF pp. 2-5), IT IS MANIFEST THAT THE APPEAL IS UNTIMELY MADE AND MUST BE DISMISSED.

That decision and order set forth in D and E is a final decision and order relating to custody of the three minor children. Supplemental Decision and Order of the Family Court, dated July 30, 1973. As such, Appellant had the right to appeal by filing a notice of appeal with the Family Court within thirty days of the entry of the decision and order. Rule 73(a), Hawaii Rules of Civil Procedure. She failed to do so and has lost the right to so appeal that decision.

C. AS TO THAT ACTION BY THE CLERKS OF THE CIRCUIT COURT OF THE FIRST CIRCUIT SET FORTH IN O OF APPELLANT'S "STATEMENT OF QUESTIONS PRESENTED" (APPELLANT'S OPENING BRIEF, pp 2-5), IT IS NOT AN ACTION WHICH IS APPEALABLE.

Appellant "appeals" from the so-called "harmful, prejudicial, and reversible error" of the Clerks of the First Circuit Court in failing to file Appellant's Request for Entry of Default dated March 31, 1975. There has been no action instituted against these Clerks by Appellant, and thus no judgment, decision or order which can be appealed to this Court; nor has Appellant set forth any action in the nature of mandamus in her Appeal. This Court thus has no jurisdiction under Section 602-5 of the Hawaii Revised Statutes to hear and determine this question.

IV. CONCLUSION

For the foregoing reasons, Appellees respectfully request an order denying Appellant's Motion for Summary Judgment and Reconsideration of Temporary Alimony and Child Support Payments and dismissing Appellant's Appeal.

DATED: Honolulu, Hawaii, September 29, 1975.

/s/ Edward Y. C. Chun
EDWARD Y. C. CHUN
Attorney for Defendant-Appellees

MRS. JANICE CHING YEE
3169 Alika Avenue
Honolulu, Hawaii 96817
Telephone: 5953426

PLAINTIFF FOR PLAINTIFF

ProSe

1st Circuit Court
State of Hawaii
FILED
1975 APR 15 PM 2:03
H. Seto
Clerk

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

JANICE CHING YEE, Plaintiff, vs. EDWARD Y. C. CHUN, &/or CHUN, KERR, & DODD Defendants.	CIVIL NO. 44245 NOTICE OF APPEAL; DESIGNATION OF RECORD OF APPEAL

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN where Plaintiff, Janice Ching Yee, hereby appeals to the Supreme Court of the Judgement entered on April 9, 1975, in the above-entitled matter, directing a verdict in favor of Edward Y. C. Chun and/or Chun, Kerr, & Dodd, Defendants.

DATED, April 14, 1975
Honolulu, Hawaii

/s/ Mrs. Janice Ching Yee
Mrs. Janice Ching Yee,
Plaintiff

MRS. JANICE CHING YEE
3169 Alika Avenue
Honolulu, Hawaii 96817
Telephone: 5953426

PLAINTIFF FOR PLAINTIFF

ProSe

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

JANICE CHING YEE, Plaintiff, vs. EDWARD Y. C. CHUN, and/or CHUN, KERR, & DODD, Defendants.	CIVIL NO. 44245 DESIGNATION OF RECORD ON APPEAL

DESIGNATION OF RECORD ON APPEAL

The Plaintiff, Janice Ching Yee, hereby designates as the record on appeal, the complete record, transcript and file of proceeding in Civil No. 44245.

Dated, April 14, 1975
Honolulu, Hawaii

/S/ Mrs. Janice Ching Yee
Mrs. Janice Ching Yee,
Plaintiff